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PIERCE COUNTY, WASHINGTON  
KEVIN STOCK, County Clerk  
BY                      DEPUTY

SUPERIOR COURT OF WASHINGTON IN AND FOR PIERCE COUNTY

AMBER WRIGHT,

Plaintiff,

No. 10 2 08114 9

v.

COMPLAINT FOR VIOLATIONS OF  
PUBLIC RECORDS ACT

STATE OF WASHINGTON, DSHS,

Defendant

Plaintiff Amber Wright alleges as follows:

I. INCORPORATION

By this reference, each paragraph contained herein is incorporated as support for each paragraph which follows.

II. PLAINTIFF

1. Amber Wright ("Amber") is a resident of the State of Washington.
2. When not otherwise specified, the term "plaintiff" shall refer to Amber.

III. DEFENDANT DSHS

3. Defendant Department of Social and Health Services ("Defendant DSHS") is an agency of the State of Washington which was, at all times material to this action, charged with the responsibility to disclose public records in compliance with RCW 42.56 *et seq.*

1 IV. JURISDICTION & VENUE

2 4. The majority of Amber's public records were created and maintained in Pierce  
3 County, Washington.

4 5. Venue is proper in Pierce County Superior Court.

5 V. FACTS

6 6. On or before August 18, 2004, Defendant DSHS received information regarding  
7 allegations of abuse and sexual exploitation of Amber and her friends.

8 7. These allegations were that Amber's father, David Wright, was physically and  
9 sexually abusing Amber and her underage friends.

10 8. Despite a number of warnings from multiple sources, red flags and other troubling  
11 information, including the arrest of David Wright, Defendant DSHS placed Amber back into the  
12 custody of David Wright.

13 9. In late 2005, Amber managed to escape from David Wright's home after he, once  
14 again, physically and sexually abused her while intoxicated.

15 10. After her escape in 2005, it was discovered that Amber was repeatedly physically  
16 and sexually abused by David Wright after Defendant DSHS recklessly returned Amber to David  
17 Wright's home.

18 11. In April 2006, David Wright pled guilty to three counts of child molestation in the  
19 first degree and was sentenced to fifty four months in prison.

20 12. Amber has suffered tremendously as a result of Defendant DSHS' monumental  
21 bungling of her custodial placement.

22 13. After escaping from this horrific situation, Amber wanted answers as to why  
23 Defendant DSHS failed to take steps to protect her.

24 14. On March 26, 2007, Amber made a public records request to Defendant DSHS.  
25 Amber requested all records that Defendant DSHS had in its possession pertaining to her.  
26

1           15.     At the request of Defendant DSHS, Amber provided a "Consent to Exchange  
2 Confidential Information" allowing Defendant DSHS to disclose her records.

3           16.     In November 2007, Amber filed a Tort Claim pursuant to RCW 4.92 seeking  
4 damages against Defendant DSHS.

5           17.     In May 2008, Amber filed an amended Tort Claim.

6           18.     On or about May 20, 2008, Amber provided another public records request to  
7 Defendant DSHS.

8           19.     Along with her May 2008 request, Amber provided two releases. One release  
9 was signed by Amber and the other by her custodial guardian.

10          20.     Because valid releases have been provided to Defendant DSHS, most of Amber's  
11 records should not need be redacted and/or withheld.

12          21.     On May 29, 2008, Defendant DSHS acknowledged receipt of the records request  
13 made on Amber's behalf.

14          22.     Defendant DSHS did not ask for clarification of the scope or nature of Amber's  
15 request.

16          23.     Defendant DSHS stated that different parts of DSHS might possess records  
17 responsive to Amber's request. The Children's Administration, one sub-agency of DSHS,  
18 estimated that it would take 120 business days or approximately six months, to produce Amber's  
19 records.

20          24.     No estimate was provided as to when the remaining sub-agencies within  
21 Defendant DSHS would provide Amber's records.

22          25.     On June 10, 2008, Amber's attorneys responded to Defendant DSHS' May 29,  
23 2008 letter.

24          26.     Amber's attorneys noted that Defendant DSHS had a statutory duty to provide a  
25 prompt response.  
26

1           27.     On June 20, 2008, Defendant DSHS responded to the June 10, 2008 letter.  
2 Defendant DSHS refused to produce Amber's records sooner than its original six month  
3 estimate.

4           28.     Defendant DSHS reiterated that Amber's records in the possession of its sub-  
5 agency, the Children's Administration, would not be produced for approximately 120 business  
6 days (approximately six months).

7           29.     From July 2008 through November 2008, Defendant DSHS provided records in  
8 response to Amber's public records request(s).

9           30.     Defendant DSHS withheld and/or redacted multiple records when responding to  
10 Amber's public records request(s).

11           31.     In November 2008, Defendant DSHS sent a letter to Amber stating that its  
12 response to her public records request(s) was complete.

13           32.     Defendant DSHS did not provide a privilege log justifying each record withheld  
14 or redacted in response to Amber's public records request(s).

15           33.     In February 2009, Amber filed a civil lawsuit against Defendant DSHS as a result  
16 of its failure to investigate allegations that she was the victim of severe physical and sexual  
17 abuse.

18           34.     This lawsuit is currently pending in federal court.

19           35.     During the course of Amber's federal lawsuit, several additional documents were  
20 discovered that should have been produced in response to Amber's public records request(s), but  
21 were not.

22           36.     These records include written and recorded statements made by Amber detailing  
23 the horrific abuse she endured.

24           37.     In addition, Defendant DSHS failed to turn over other critical evidence, including  
25 investigative protocols and policies, requested by Amber.  
26

1           38.     Many additional records have been and continue to be improperly withheld from  
2 Amber's public records request(s).

3           39.     Defendant DSHS has had these records in its possession, custody and control  
4 since at least 2005.

5           40.     Defendant DSHS' withholding of public records, and its failure to provide  
6 privilege logs, is unlawful.

7                               **VI.     CAUSE OF ACTION**

8                               **VIOLATIONS OF PUBLIC RECORDS ACT**

9           41.     Defendant DSHS is statutorily required to comply with the disclosure  
10 requirements found in RCW 42.56 *et seq.*

11           42.     By failing to fully respond to the Amber's public disclosure requests in a  
12 reasonable amount of time, Defendant DSHS has violated RCW 42.56 *et seq.*

13           43.     By unlawfully withholding records from Amber's public records requests,  
14 Defendant DSHS has violated RCW 42.56 *et seq.*

15           44.     By failing to provide a privilege log justifying each redaction and/or record  
16 withheld from Amber's request, Defendant DSHS has violated RCW 42.56 *et seq.*

17                               **PRAYER FOR RELIEF**

18           WHEREFORE, Amber prays for the following relief:

19           A.     An Order requiring Defendant DSHS to produce all records requested by Amber's  
20 public records requests;

21           B.     Judgment against Defendant DSHS for civil penalties;

22           C.     Judgment against Defendant DSHS for Amber's attorneys' fees and costs;

23           D.     In Camera review of all documents withheld on the basis of privilege, exemption  
24 or otherwise; and

25           E.     Further relief as the Court deems equitable, including but not limited to all  
26 remedies and sanctions available under RCW 42.56 *et seq.*

1  
2 DATED this 5<sup>th</sup> day of April, 2010.

3 HAGENS BERMAN SOBOL SHAPIRO LLP  
4 Attorneys for Amber Wright

5  
6 By

7 David P. Moody, WSBA No. 22853  
8 Martin D. McLean, WSBA No. 33269  
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